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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 GERARDO MORENO, KYLE BLACKMAN,  
11 and ABELARDO MARTINEZ,

12 Defendants.

Case No. 2:17-cr-00169-KJD-VCF

ORDER

13 Before the Court for consideration is the Report and Recommendation (#102) containing  
14 the findings and recommendations of Magistrate Judge Cam Ferenbach entered July 27, 2018,  
15 recommending that Defendant Abelardo Martinez's Motion for Joiner (#83 )to Defendant  
16 Gerardo Moreno's Motion to Sever be granted, that Defendant Moreno's Motion to Sever  
17 Defendants and Counts for Trial (#81) be denied and that Defendant Blackman's Motion to  
18 Sever Defendants for Trial (#79) be denied. Defendant Moreno filed Objections (#105) to the  
19 report and recommendation as did Defendant Blackman (#108). Though the time for doing so  
20 has passed, Defendant Martinez has failed to file objections in accordance with Local Rule  
21 ("LR") IB 3-2. Defendant Martinez pled guilty on January 22, 2019. Defendants Moreno and  
22 Blackman pled guilty on February 5, 2019. The guilty pleas effectively moot the relief sought in  
23 the motions to sever trial of both defendants and counts of the indictment.


24 The Court has conducted a de novo review of the record in this case in accordance with  
25 28 U.S.C. § 636(b)(1) and LR IB 3-2. The Court determines that the Report and  
26 Recommendation (#102) containing the findings and recommendations of Magistrate Judge Cam  
27 Ferenbach entered July 27, 2018, should be **ADOPTED** and **AFFIRMED**.  
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1 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and  
2 Recommendation (#102) containing the findings and recommendations of Magistrate Judge Cam  
3 Ferenbach entered July 27, 2018, are **ADOPTED** and **AFFIRMED**, and Defendant Abelardo  
4 Martinez's Motion for Joiner (#83) to Defendant Gerardo Moreno's Motion to Sever is  
5 **GRANTED;**

6 Defendant Moreno's Motion to Sever Defendants and Counts for Trial (#81) is **DENIED**  
7 **on the merits and as moot;**

8 Defendant Blackman's Motion to Sever Defendants for Trial (#79) is **DENIED on the**  
9 **merits and as moot.**

10 Dated this 9th day of April, 2019.

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13 Kent J. Dawson  
14 United States District Judge  
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